

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address Michael Jay Berger (SBN 100291) Law Offices of Michael Jay Berger 9454 Wilshire Blvd., 6th Floor Beverly Hills, CA 90212 T. (310) 271-6223 F. (310) 271-9805 E. michael.berger@bankruptcypower.com	FOR COURT USE ONLY
<input type="checkbox"/> Plaintiff(s) appearing without attorney <input checked="" type="checkbox"/> Attorney for Plaintiff(s)	
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION	
In re: HEIDI CRAWFORD, an individual, Debtor(s). DX HOME DESIGNS, INC., a corporation, Plaintiff(s), vs. HEIDI CRAWFORD, an individual; MICHAEL DEAN CRAWFORD, an individual; and STYLE HOUSE, INC., a California corporation, Defendant(s).	CASE NO.: 8:19-bk-12113-MW CHAPTER: 7 ADVERSARY NO.: 8:19-ap-01179-MW REQUEST FOR CLERK TO ENTER DEFAULT UNDER LBR 7055-1(a) [No Hearing Required]

TO THE DEFENDANT, DEFENDANT'S ATTORNEY AND OTHER INTERESTED PARTIES:

1. Name of Defendant against whom default is sought (*specify name*): Heidi Crawford
2. Plaintiff filed the complaint in this adversary proceeding on (*specify date*): 09/06/2019
3. The summons and complaint were served on Defendant by ☐ Personal Service ☒ Mail Service on the following date (*specify date*): 09/12/2019
4. A conformed copy of the executed service of summons form is attached hereto.
5. The time for filing an answer or other responsive pleading expired on (*specify date*): 12/26/2019
6. No answer or other responsive pleading has been filed or served by Defendant.

WHEREFORE, Plaintiff requests that the clerk of the court enter a default against this Defendant.

Date: 12/27/19

Signature

Michael Jay Berger

Printed name of Plaintiff or attorney for Plaintiff

This form is mandatory. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

MICHAEL JAY BERGER (State Bar # 100291)
LAW OFFICES OF MICHAEL JAY BERGER
9454 Wilshire Boulevard, 6th Floor
Beverly Hills, California 90212
T: 1.310.271.6223 | F: 1.310.271.9805
E: michael.berger@bankruptcypower.com

Attorney for Plaintiff,
DX Home Design, Inc.

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
SANTA ANA DIVISION

In re:

HEIDI CRAWFORD,

Debtor.

DX Home Design, Inc., a corporation,

Plaintiff,

v.

HEIDI CRAWFORD, an individual;
MICHAEL DEAN CRAWFORD, an
individual; STYLE HOUSE, INC., a
California corporation,

Defendants.

Case No.: 8:19-bk-12113-MW

Adv. No.: 8:19-ap-01179-MW

Chapter 7

**DECLARATION OF MICHAEL JAY
BERGER IN SUPPORT OF
PLAINTIFF'S REQUEST FOR ENTRY
OF DEFAULT AGAINST
DEFENDANT HEIDI CRAWFORD**

*[No Hearing Required Per Local
Bankruptcy Rule 9013-1(p)]*

DECLARATION OF MICHAEL JAY BERGER

I, Michael Jay Berger, declare and state as follows:

1. The facts set forth in this declaration are personally known to me and I have

1 first-hand knowledge of these facts. If called upon to testify during the course of this action, I
2 could and would competently testify thereto under oath. I am over the age of 18 and a
3 resident of the State of California.

4 2. I am an attorney licensed to practice law before the courts in the State of California
5 and the United States District Court in the Central District of California. I am the owner of
6 The Law Offices of Michael Jay Berger (hereinafter, "MJB").

7 3. MJB is current counsel of record for Plaintiff DX Home Design, Inc.
8 (hereinafter, the "Plaintiff"). Pursuant to Federal Rules of Civil Procedure 55(a), as
9 incorporated into Federal Rules of Bankruptcy Procedure 7055, I make this declaration in
10 support of Plaintiff's Request for the Clerk to Enter Default Against Defendant Heidi
11 Crawford (hereinafter, the "Defendant")

12 4. On September 6, 2019, Plaintiff caused to be filed an adversary complaint against
13 Defendants Heidi Crawford, Michael Dean Crawford, and Style House, Inc. alleging non-
14 dischargeability claims under 11 U.S.C. §§ 523(a)(2)(A), (a)(4), and (a)(6) as well as denial
15 of discharge under 11 U.S.C. § 727(A)(3), (a)(4)(A), and (A)(5) (the "Complaint").

16 5. On September 12, 2019, service of the Summons and Notice of Status Conference,
17 the Complaint, the Adversary Proceeding Cover Sheet, and the Order Re: Rule 26(f)
18 Meeting, Initial Disclosures, and Scheduling Conference was executed on all the defendants
19 by United States Mail, first class, postage prepaid at the same address, 37 Arbor Walk Lane
20 Rancho Santa Margarita, California 92688. A true and correct conformed copy of the
21 completed Summons Service Executed is attached hereto as Exhibit 1 in support of
22 Plaintiff's Request for Clerk to Enter Default. *See also* Docket No. 4.

23 6. On October 9, 2019, Defendant filed her Answer to Plaintiff's Complaint.

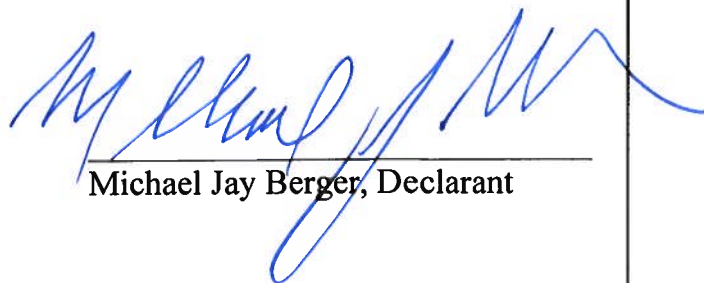
24 7. On October 30, 2019, Plaintiff filed a Motion to Strike Defendant's Answer and
25 Affirmative Defenses (the "Motion to Strike").
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1 8. On December 4, 2019, a hearing took place on Plaintiff's Motion to Strike. At the
2 conclusion of the hearing, the Court granted Plaintiff's Motion to Strike with Leave to
3 Amend.

4 9. On December 5, 2019, the Court entered an Order Granting Plaintiff's Motion to
5 Strike with "leave to Defendant to amend the answer and affirmative defenses on or before
6 21 days after entry of the Order granting the Motion." See Exhibit 2 attached hereto for a
7 true and correct copy of the Court's Order. In other words, the deadline for Defendant to file
8 her amended Answer was December 26, 2019.

9 10. I have reviewed the Debtor's bankruptcy case docket as well as the adversary
10 docket in connection with this proceeding, and neither docket reflects an amended Answer
11 being filed by Defendant. Accordingly, Plaintiff respectfully requests the Clerk to enter
12 default against Defendant Heidi Crawford.
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15 I declare under penalty of perjury under the laws of the United States of America
16 that the foregoing is true and correct. Executed on December 27, 2019, at Beverly Hills,
17 California.
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Michael Jay Berger, Declarant

EXHIBIT 1

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address Michael Jay Berger 9454 Wilshire Blvd 6th Fl Beverly Hills, CA 90212-2929 310-271-6223	FOR COURT USE ONLY
Plaintiff or Attorney for Plaintiff	
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA	
In re: Heidi Crawford	CASE NO.: 8:19-bk-12113-MW CHAPTER: 7
Debtor(s)	ADVERSARY NUMBER: 8:19-ap-01179-MW
DX Home Designs Inc. Versus Heidi Crawford (See Attachment A for names of additional defendants)	SUMMONS AND NOTICE OF STATUS CONFERENCE IN ADVERSARY PROCEEDING [LBR 7004-1]
Plaintiff(s) Defendant(s)	

TO THE DEFENDANT(S): A Complaint has been filed by the Plaintiff against you. If you wish to defend against the Complaint, you must file with the court a written pleading in response to the Complaint. You must also serve a copy of your written response on the party shown in the upper left-hand corner of this page. The deadline to file and serve a written response is 10/09/2019. If you do not timely file and serve the response, the court may enter a judgment by default against you for the relief demanded in the Complaint.

A status conference in the adversary proceeding commenced by the Complaint has been set for:

Date: November 27, 2019
Time: 09:00 AM
Hearing Judge: Mark S Wallace
Location: 411 W Fourth St., Crtm 6C, Santa Ana, CA 92701

This form is mandatory. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

You must comply with LBR 7016-1, which requires you to file a joint status report and to appear at a status conference. All parties must read and comply with the rule, even if you are representing yourself. You must cooperate with the other parties in the case and file a joint status report with the court and serve it on the appropriate parties at least 14 days before a status conference. A court-approved joint status report form is available on the court's website (LBR form F 7016-1.STATUS.REPORT) with an attachment for additional parties if necessary (LBR form F 7016-1.STATUS.REPORT.ATTACH). If the other parties do not cooperate in filing a joint status report, you still must file with the court a unilateral status report and the accompanying required declaration instead of a joint status report 7 days before the status conference. The court may fine you or impose other sanctions if you do not file a status report. The court may also fine you or impose other sanctions if you fail to appear at a status conference.

KATHLEEN J. CAMPBELL
CLERK OF COURT

Date of Issuance of Summons and Notice of Status Conference in Adversary Proceeding: September 9, 2019

By: "s/ Nickie Bolte
Deputy Clerk



This form is mandatory. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

ATTACHMENT A
Names of plaintiffs and defendants

Plaintiff(s): DX Home Designs Inc.	Defendant(s): Heidi Crawford Michael Dean Crawford Style House Inc.
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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

9454 Wilshire Blvd., 6th Fl., Beverly Hills, CA 90212

A true and correct copy of the foregoing document entitled (specify): **(1) SUMMONS AND NOTICE OF STATUS CONFERENCE IN ADVERSARY PROCEEDING; (2) ORDER RE: RULE 26(f) MEETING, INITIAL DISCLOSURES, AND SCHEDULING CONFERENCE; (3) ADVERSARY PROCEEDING COVER COVERSHEET; AND (4) ADVERSARY COMPLAINT FOR NON-DISCHARGEABILITY OF DEBT UNDER 11 U.S.C. §§ 523(a)(2)(A), 523(a)(4), 523(a)(6), and 11 U.S.C. §§ 11 U.S.C. 727(A)(3), 727(a)(4)(A), 727(A)(5)** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date)_____, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (date) 9/12/2019, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date)_____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

9/12/2019

Date

Peter Garza

Printed Name

/s/Peter Garza

Signature

CONTINUED SERVICE LIST

2. SERVED BY UNITED STATES MAIL:

Debtor/Defendant:

Heidi Crawford
37 Arbor Walk Lane
Rancho Santa Margarita, CA 92688

Debtor/Defendant's Counsel:

Richard G. Heston
19700 Fairchild Rd. Ste. 280
Irvine, CA 92612

Defendant:

Michael Dean Crawford
37 Arbor Walk Lane
Rancho Santa Margarita, CA 92688

Debtor/Defendant:

Style House, Inc.
37 Arbor Walk Lane
Rancho Santa Margarita, CA 92688

UNITED STATES BANKRUPTCY COURT

Early meeting of Counsel and Status Conference Instructions

1. **Service of Order.** A copy of this Order re: Rule 26(f) Meeting, Initial Disclosures, and Scheduling Conference must be served with the summons and complaint. The proof of service of the summons and complaint must indicate that a copy of this order was served therewith.
2. **Local Bankruptcy Rule 7026-1.** Compliance with Local Bankruptcy Rule 7026-1 (ALBR 7026-1") is required in ALL adversary proceedings.
3. **Rule 26(f) Meeting.** Unless all defendants default, the parties must meet and confer pursuant to Rule 26(f) of the Federal Rules of Civil Procedure (ARule 26(f) Meeting@) at least 21 days before the status conference date set forth in the summons. **The status conference set forth in the summons shall also serve as the initial Rule 16(b) Scheduling Conference in this adversary proceeding.**

The parties are jointly responsible for arranging and attending the Rule 26(f) Meeting, which may be conducted in person or by telephone. During the Rule 26(f) Meeting, the parties must, at a minimum: (a) discuss the nature and basis of their claims and defenses and the possibilities for a prompt settlement or resolution of the case; (b) make or arrange for the initial disclosures required by Rule 26(a)(1); and (c) develop a proposed discovery plan. The discussion of claims and defenses must be substantive and meaningful. The parties are directed to approach the Rule 26(f) Meeting cooperatively and in good faith.

4. **Initial Disclosures.** Rule 26(a)(1) states that a party must, without awaiting discovery request, provide to other parties:

- a. The name and, if known, the address and telephone number for each individual likely to have discoverable information - along with the subjects of that information - that the disclosing party may use to support its claims or defenses,

unless the use would be solely for impeachment.

- b. A copy of - or a description by category and location - of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment;
- c. A computation of each category of damages claimed by the disclosing party - who must also make available for inspection and copying under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered; and
- d. For inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

F.R.Civ.P.26(a)(1)(A). Rule 26(a)(1) requires a party to make its initial disclosures based on the information that is reasonably available to it. A party is not excused from making its disclosures because it has not fully completed its investigation of the case or because it challenges the sufficiency of another party's disclosures or because another party has not made its disclosures.

F.R.Civ.P.26(a)(1)(E).

5. Alternative Dispute Resolution (ADR). The parties must explore the feasibility of ADR to reach a settlement or early resolution of the adversary proceeding. The specific reasons for any decision not to participate in a form of early ADR must be explained in the Joint Status Report. If the parties elect not to participate in an early ADR effort, the Court may nonetheless direct the parties to ADR before trial

6. Discovery Plan. At the Rule 26(f) Meeting, the parties must also discuss issues about preserving discoverable information and develop a proposed discovery plan. The discussion regarding discovery following the initial disclosures must address the relevance of the discovery sought and the sequence and timing of such discovery, including whether the discovery will be conducted informally or formally. The deadlines in the discovery plan must be mutually

agreeable, with a view to achieve resolution of the case with a minimum of expense and delay.

7. Joint Status Report. A status report must be filed within the time frames specified within LBR 7016-1(a)(2). The Joint Status Report must contain the information set forth in LBR 7016-1(a)(2), and a statement that the parties have completed the Rule 26(f) Meeting and made the initial disclosures required by Rule 26(a)(1). The Joint Status Report shall also serve as the written report of the Rule 26(f) Meeting. If Defendant(s) have not filed and served an answer to the Complaint, a Unilateral Status report is due seven (7) days prior to the first status conference hearing.

8. Status Conference/Rule 16(b) Scheduling Conference. At the Rule 16(b) Scheduling Conference, the Court will review the discovery plan set forth in the Joint Status Report and set appropriate deadlines.

Counsel representing any party in conjunction with the Rule 26(f) Meeting, Joint Status Report, and Rule 16(b) Scheduling Conference must be authorized to bind the party on all matters to be covered.

9. Default. If no response to the complaint is timely filed, plaintiff should request entry of default by the clerk prior to the status conference date set forth in the summons. F.R.Civ.P.55(a). Plaintiff may also request entry of a default judgment by filing and serving an appropriate motion. F.R.Civ.P.55(b)(2).

10. Sanctions. Failure to comply with these instructions may subject the responsible party and/or counsel to sanctions, which may include dismissal of the adversary proceeding. The failure of either party to cooperate in the preparation of timely filing of a Joint Status Report or appear at the status conference may result in the imposition of sanctions under LBR 7016-1(f) or (g).

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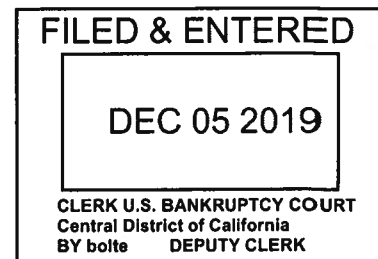
11. Joint Pre-Trial Order. Failure to timely file a Joint Pre-Trial order may subject the responsible party and/or counsel to sanctions, which may include dismissal of the adversary proceeding. The failure of either party to cooperate in the preparation of timely filing of a Joint Pre-Trial Conference or appear at the Joint Pre-Trial Conference may result in the imposition of sanctions under LBR 7016-1(f) or (g).

Honorable Mark S. Wallace
United States Bankruptcy Judge

EXHIBIT 2

MICHAEL JAY BERGER (State Bar # 100291)
LAW OFFICES OF MICHAEL JAY BERGER
9454 Wilshire Boulevard, 6th Floor
Beverly Hills, California 90212
T: 1.310.271.6223 | F: 1.310.271.9805
E: michael.berger@bankruptcypower.com

Attorney for Creditor-Plaintiff,
DX Home Designs, Inc.



UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
SANTA ANA DIVISION

In re
HEIDI CRAWFORD, an individual,
Debtor.

Case No.: 8:19-bk-12113-MW

Adv. No.: 8:19-ap-01179-MW

Chapter 7

DX HOME DESIGNS, INC., a
corporation,

Plaintiff,

v.

HEIDI CRAWFORD, an individual;
MICHAEL DEAN CRAWFORD, an
individual; and STYLE HOUSE, INC. a
California corporation,

Defendants.

**ORDER GRANTING PLAINTIFF
DX HOME DESIGNS, INC.'S MOTION
TO STRIKE DEFENDANT HEIDI
CRAWFORD'S ANSWER AND
AFFIRMATIVE DEFENSES**

Date: December 4, 2019

Time: 9:00 AM

Place: Courtroom 6C

411 W. Fourth street
Santa Ana, CA 92701

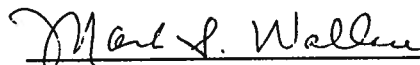
On December 4, 2019 at 9:00 a.m., the Court, having considered Plaintiff DX Home Designs, Inc.'s ("Plaintiff") Motion to Strike Defendant Heidi Crawford's ("Defendant") answer and affirmative defenses (the "Motion") [Docket No. 18], the pleadings and other documents on file in this case, and having considered the oral arguments of counsel at the

1 hearing, and for good and adequate cause, grants the Motion with leave to Defendant to
2 amend the answer and affirmative defenses on or before 21 days after entry of the Order
3 granting the Motion.

4 IT IS SO ORDERED.

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25 Date: December 5, 2019


Mark S. Wallace
United States Bankruptcy Judge

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
9454 Wilshire Blvd., 6th Floor Beverly Hills, CA 90212

A true and correct copy of the foregoing document entitled: **REQUEST FOR CLERK TO ENTER DEFAULT UNDER LBR 7055-1(a)** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) 12/30/2019, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:
Michael Jay Berger michael.berger@bankruptcypower.com, yathida.nipha@bankruptcypower.com;
Jeffrey I Golden (TR) lwerner@wglp.com, jig@trustesolutions.net;kadele@wglp.com
United States Trustee (SA) ustpregion16.sa.ecf@usdoj.gov

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (date) 12/30/2019, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Heidi Crawford
37 Arbor Walk Lane
Rancho Santa Margarita, CA 92688

☒ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) 12/30/2019, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Hon. Mark S. Wallace
United States Bankruptcy Court - Santa Ana Division
411 West Fourth Street, Suite 6135
Santa Ana, CA 92701-4593

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

12/30/2019
Date

Peter Garza
Printed Name

/s/ Peter Garza
Signature

This form is mandatory. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

CONTINUED SERVICE LIST

2. SERVED BY UNITED STATES MAIL:

Debtor/Defendant's Counsel:

Richard G. Heston
19700 Fairchild Rd., Ste 280
Irvine, CA 92612

Defendant:

Michael Dean Crawford
37 Arbor Walk Lane
Rancho Santa Margarita, CA 92688

Debtor/Defendant:

Style House, Inc.
37 Arbor Lane
Rancho Santa Margarita, CA 92688